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CONSULATE
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UNITED STATES OF AMERICA
Salvador, Bahia

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OFFICIAL-INFORMAL

March 26, 1976

David E. Simcox, Esq.
Counselor for Political Affairs
American Embassy
Brasilia

Dear Dave:

BEGIN UNCLASSIFIED:

The subject of this letter is the SANTANA subversion trial, which finally went to judgement as expected on March 16. (See my letter of February 13 and previous correspondence.) In keeping with the new guidelines discussed last week in Brasilia, everything in the body of this letter should be considered in the public domain. Comment is enclosed, in draft, on a separate sheet, with an indication as to desired distribution.

All Defendants Convicted

After an all-day session held on Tuesday, March 16, all fourteen persons on trial for subversion here were found guilty under Article 43 of the National Security Law (Decree Law 898/69) of attempting to reorganize the defunct and illegal Communist Party of Brazil (PCB) in Bahia. Sentences ranged between the maximum and minimum penalties prescribed (two to five years) as follows:

- 1.) Paulino VIEIRA 5 years
Vieira, a watchmaker reported by the press to have been previously tried for subversive activities in Curitiba and Brasilia, was the only one of the defendants to admit communist ties during preliminary hearings last August. He later attempted unsuccessfully to retract this confession. His basic sentence was three years, plus an additional increment of two years for recidivism.
- 2.) Roberto Max ARGOLLO 2 1/2 years
Argollo is a Professor of Physics at the Federal University of Bahia (UFBa).
- 3.) Luiz Fernando Contreiras de ALMEIDA 2 1/2 years
Almeida is a Director of the Engineer's Club in Salvador.
- 4.) Sebastião Amaral de COUTO 2 1/2 years
Identified only as an "industrialist."
- 5.) Winston Araujo de CARVALHO 2 1/2 years
Carvalho is a public employee working at the State Highway Department (DERBA). He was not held in preventive detention, but stood trial at liberty.

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- 6.) Sergio SANTANA 2 years
Sergio, an economics student at UFBA and MDB member of the Salvador City Council, ^{was} also a prominent leader of the MDB's Youth Wing (Ala Jovem).
- 7.) Marco Antonio Rocha MEDEIROS 2 years
Another Director of the Engineer's Club, employed by the Municipal Planning Department.
- 8.) Heitor CASAES e Silva 2 years
An accountant working in the local office of the United Nations (FAO) when arrested.
- 9.) Marcelo Veiga SANTANA 2 years
Sergio's older brother and also a student at UFBA.
- 10.) Carlos Augusto MARIGHELA Filho 2 years
Son of the late terrorist leader; working at the Paskin petrochemical plant at the time of his arrest.
- 11.) José Ivan Dantas PUGLIESI 2 years
Identified in press reports as Secretary General of the Association of Petrochemical Industry Workers.
- 12.) Alberto (or Albérico) Carvalho BOUZON 2 years
An economist at the SIBRA steel plant; stood trial at liberty.
- 13.) Maria Lucia Cunha CARVALHO 2 years
On the Directorate of the Economists' Institute (IEBA), and a public employee at the State Secretariat of Planning and Technology (SEPLANTEC). Stood trial at liberty.
- 14.) Yeda Veiga SANTANA 2 years
Sergio's sister, who also worked for an organ of the State Government. Stood trial at liberty.

The Session

Described by the press as tense, the twelve hour judgement (there were lunch and dinner breaks) covered all testimony and evidence relating to, and final arguments on behalf of, the fourteen defendants. The Prosecutor, as expected, stood squarely on the signed confessions obtained from the accused during the investigatory phase, and also made frequent reference to the various items of printing equipment and subversive literature apprehended by the police. The defense (three lawyers, including the female attorney who is also handling the Marie Helene RUSSI case), denied the facts alleged by the prosecution and challenged the evidence as insufficient. Central to the defense's case was the contention that the confessions obtained during the interrogation of the prisoners had been "obtained through physical and psychological coercion" and hence were inadmissible and

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invalid. Lawyers for the defense told reporters that the whole case against their clients was "the fruit of the imagination of someone desiring to demoralize the Ala Jovem of the MDB and to obstruct still further the policy of democratic distensao proclaimed by President GEISEL."

Post Trial Maneuvers

Since the verdict was announced, two legal developments have occurred. The Prosecutor has appealed the sentences, asking for stiffer penalties. Specifically, he wants Sergio Santana's mandate as City Councilman annulled, and a loss of all rights by those defendants who are public employees. Attorneys for the defense have announced their intention to appeal the case to the Supreme Military Tribunal. They regard the prosecution's action in seeking stiffer sentences as an effort to prevent those defendants in custody since last July from requesting condition liberty after serving one half of their time (except for Vieira, all are first offenders). The defense also hopes to use the fact that nine of the decisions against the defendants were by split votes (3-2) in framing its appeal.

And Sergio's Seat?

Sergio Santana's alternate, an MDB Adesista named Degrimaldo MIRANDA, is seeking a Court Order to oust his convicted colleague and assume his City Council seat. His action is supported by the other Adesista members of the Council, and opposed by the Autenticos. The Council's ARENA President has thusfar refused to act, on grounds that Sergio's conviction cannot be considered final until all legal appeals have been exhausted, and the judgement is definitive. An interesting side light on the MDB's position during the trial was that the Party's President, State Deputy Roque ARAS (generally regarded as an Adesista), sat through the entire final day of the proceedings, while no members of the Autentico wing or the Ala Jovem were present.

Further developments will be reported when available. It was good to see you in Brasilia. END UNCLASSIFIED.

Regards,

Sincerely yours,

Sandy
Alexander K. Sleght
American Consul

Enclosure: a/s

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COMMENT: Although there is always the possibility of a surprise during the appeals process, the Santana case can probably be considered closed. Closed, but not likely to be soon forgotten, because reverberations from it are still being felt in Bahia.

In retrospect, it seems likely that the arrests were designed primarily to disarm, dishearten and deter certain elements in the community which had been identified by the security forces as both dangerously radical and disturbingly activist. Among these were the MDB's Ala Jovem, several student groups at UFBa and some white-collar professional associations which were showing signs of increased political awareness and involvement. (Specific leads developed during investigations following the discovery of clandestine print shops in Rio and Sao Paulo in early 1975 may also have played a role in target selection, but this would be hard to establish with any certainty.)

If "demonstration effect" was indeed the intent, then the results--as far as "the system" is concerned--can only be seen as mixed. The Ala Jovem, it is true, has been somewhat less vocal and visible since the case broke, but there is no indication that it is any less active. Note, for example, its recent role in the Marotinho Affair (my letter of March 12), and the report that Marcelo Cordeiro, detained and released last July in connection with the Santana case, is now planning to run as the Ala's candidate for the City Council. As for the student leaders at UFBa, they brought off last year's month-long strike in the post-arrest period. Campus activism continues, with the Economics Faculty still a hotbed of political dissent and general university unrest. (I hope to get you a letter on the latest UFBa developments next week.) The professional associations, and particularly the "twice blessed" Engineers' Club, are still actively involved in community affairs as the Marotinho case again demonstrated. In short, the principal "villains" of the Santana Affair are still behaving villainously.

Beyond this, the Santana case marked in a very tangible way the end of Bahia's complacency about the degree to which it was isolated from human-rights developments elsewhere in Brazil. After all, "it did happen here." By all odds the Santana case and events at UFBa were the two biggest milestones during 1975 in the return of the "Boa Terra" to the real world. END COMMENT. END ~~CONFIDENTIAL~~.

cc: DCM - Mr. Johnson
ARA/LA/BR - Regina Eltz
INR/DDR/RAR
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POL/Rio - Myles Frechette
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